

PATENT
Attorney Docket No. 104.0004-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 3765
David F. Meschan)
Serial No.: 10/735,343) Group Art Unit: 3728
Filed: December 11, 2003)
For: ATHLETIC SHOE WITH IMPROVED)
HEEL STRUCTURE)

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Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SEP 01 2004

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents were previously cited/submitted in a prior application, Serial No. 09/419,641, filed October 18, 1999, now U.S. Patent No. 6,662,471; Serial No. 09/149,142, filed September 8, 1998, now U.S. Patent No. 5,970,628; and/or Serial No. 08/542,251, filed October 12, 1995, now U.S. Patent No. 5,806,210; upon which applicant relies for the benefits provided in 35 U.S.C. § 120. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant

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reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1068.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: September 1, 2004

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383

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FORM PTO-1083

Attorney Docket No.: 104.0004-03000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David F. Meschan

Serial No: 10/735,343

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HEEL STRUCTURE

Confirmation No.: 3765

Art Unit: 3728

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☐ No additional fee is required.
- ☐ Applicant hereby requests a ***month extension of time to respond to the above office action.
- ☒ Information Disclosure Statement with Form PTO-1449 is enclosed.

The fee has been calculated as shown below:

| The fee has been calculated as shown below. | | | | | | | | |
|--|---|---|---|-----|--------------------------------|--|------|------------------|
| | (Col. 1) CLAIMS REMAINING AFTER AMENDMENT | | (Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR | | (Col. 3) PRESENT EXTRA.* | LG/SM \$ ENTITY FEE | | ADD'L FEE DUE |
| TOTAL CLAIMS FEE | 124 | - | 59 | -- | 65 | LG=\$18 SM=\$9 | \$18 | \$ 1,170.00 |
| INDEPENDENT CLAIMS FEE | 2 | - | 3 | --- | 0 | LG=\$86 SM=\$43 | \$86 | \$ 0 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS: | | | | | | LARGE ENTITY FEE = \$290 SMALL ENTITY FEE = \$145 | | \$ 0 |
| TOTAL | | | | | | | | \$ 1,170.00 |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

- If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

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- ☒ An additional claims fee in the amount of \$1,170.00 is to be charged to Deposit Account No. 50-1068.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: September 1, 2004

By: 
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FORM PTO-1083

Attorney Docket No.: 104.0004-03000
Customer No. 22882

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David F. Meschan

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| TOTAL | | | | | | \$1,170.00 |

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Respectfully submitted,
MARTIN & FERRARO, LLP

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By: Thomas H. Martin
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Hartville, Ohio 44632
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OMB 0651-0031

| Substitute for FORM PTO-1449 | | | Attorney Docket Number 104.0004-04000 | | Customer No. 22882 | |
|---|-----------------|---------|--|-------|----------------------------------|-------------------------------|
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION | | | Applicant David F. Meschan | | Application Number 10/735,343 | |
| (Use several sheets if necessary) Sheet <u>1</u> of <u>6</u> | | | Filing Date December 11, 2003 | | Group Art Unit (3728) | Examiner (J. Kavanaugh) |
| U.S. PATENT DOCUMENTS | | | | | | |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | |
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| | 4 photographs of shoes sold in the United States prior to the filing date of the above-referenced application. | | | | | |
| EXAMINER | | | DATE CONSIDERED | | | |
| EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant. | | | | | | |

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